

From: <[noreply@pws.gov.au](mailto:noreply@pws.gov.au)>

Date: Thu, 25 Jan 2024 at 11:31

Subject: Reply to correspondence received by the Attorney-General and Cabinet Secretary  
[SEC=OFFICIAL]

To: <[marjinoolert@gmail.com](mailto:marjinoolert@gmail.com)>

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**SEC=OFFICIAL**

Dear Ms Thorpe

Please find attached reply to your correspondence that was received by the Attorney-General and Cabinet Secretary.

The response is provided in Adobe Portable Document Format (PDF). If you do not have software capable of reading PDF documents, you may download a free version from <http://get.adobe.com/reader/>

Please do not respond to this email as this mailbox is not monitored. If you wish to provide further correspondence to the Attorney-General, please use the below details.

**Email**

[Attorney@ag.gov.au](mailto:Attorney@ag.gov.au)

**Postal Address**

The Hon Mark Dreyfus KC, MP  
Attorney-General  
Cabinet Secretary  
PO Box 6022  
Parliament House  
CANBERRA ACT 2600

Yours sincerely

**Ministerial Correspondence Unit**

Attorney-General's Department

**SEC=OFFICIAL**





**Australian Government**  
**Attorney-General's Department**

MC23-042119

25 January 2024

Ms Marji Thorpe  
[marjinoolert@gmail.com](mailto:marjinoolert@gmail.com)

Dear Ms Thorpe

Thank you for your correspondence to the Attorney-General, the Hon Mark Dreyfus KC MP, and to me, seeking an update on the work undertaken to scope the establishment of a federal judicial commission and raising your concerns about the conduct of staff and judicial officers of the High Court of Australia. The Attorney-General has requested that the Attorney-General's Department respond to you on his behalf.

I note that you raised concerns in your correspondence about the High Court's registry and complaints handling processes. I acknowledge that you are dissatisfied about the way in which your lodgement applications were handled by the High Court.

As the judicial branch of the Commonwealth, the federal courts are of fundamental importance to the Australian community and the Attorney-General takes any concerns about the courts seriously. However, it is an essential feature of the Australian system of government that our courts are independent and free of interference from the executive arm of government. Consistent with this independence, the federal courts, including the High Court, are each responsible for their own operation and management. For this reason, it would not be appropriate for the Attorney-General, as the First Law Officer of the Commonwealth, or the Attorney-General's Department to intervene in or comment on the internal administration of the High Court, including on complaints handling and lodgement processes.

Complaints about the conduct of federal judicial officers are handled almost exclusively through internal complaints processes that operate within each of the federal courts. I note that you have written to the Chief Justice of the High Court and the Court's Chief Executive and Principal Registrar. The way in which your complaint and request for information are addressed is a matter for the High Court.

I note that you also called for the establishment of a Royal Commission into officers of the High Court to examine the matters raised in your complaints. Commonwealth Royal Commissions are independent, public inquiries established under the Commonwealth *Royal Commissions Act 1902* to inquire into and report on matters of significant public importance. As the highest form of inquiry in Australia, Royal Commissions are only established in exceptional circumstances. At this time, the Australian Government has not indicated an intention to establish a Royal Commission into the conduct of court officers. You have also raised that the National Anti-Corruption Commission and the Commonwealth

Ombudsman should be given jurisdiction over the High Court. Proper separation between the executive and judicial branches of government is a core principle of Australia's system of government. It would therefore not be appropriate for the National Anti-Corruption Commission nor the Commonwealth Ombudsman to have jurisdiction to investigate the conduct of federal judicial officers.

I note that you also sought an update on the work being completed to scope the establishment of a federal judicial commission. While the Government is actively considering this matter and scoping work continues to be progressed by the department, no definitive decision has been made to establish a federal judicial commission at this stage.

Thank you for bringing your concerns to our attention. I hope this information is of assistance.

Yours sincerely



**Dr Albin Smrdel**  
Assistant Secretary  
Judicial Commission Taskforce